

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

IN RE:	:	
	:	
CHARLENE M. BAUGH,	:	CASE NO. 13-41992-PWB
Debtor.	:	
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CHARLENE M. BAUGH ,	:	
Plaintiff,	:	
v.	:	ADVERSARY NO. 13-4035
MAJOR MOTORS, INC,	:	
Defendant,	:	

MOTION TO DISMISS COMPLAINT

COMES NOW MAJOR MOTORS, INC, (hereinafter referred to as Defendant (set forth as “Respondent” in Plaintiff’s Complaint), and respectfully shows the Court the following:

1.

Plaintiff filed her underlying Chapter 13 case on July 12, 2013. On August 1, 2013, the Court entered an Order denying the Plaintiff’s Motion to Extend the Stay. Subsequently, the Defendant repossessed the 1998 Mercedes C280 vehicle which is the subject of this complaint. Defendant maintains that there having been no stay at the time of the repossession or thereafter, that there is no viable claim or cause of action to maintain regarding the instant Complaint.

WHEREFORE, Plaintiff prays that this Honorable court Dismiss the instant Complaint, and for whatever other relief the Court deems proper.

Respectfully submitted,

/s/ David Sicay-Perrow
David Sicay-Perrow, GA Bar No. 645285
Sicay-Perrow Knighten, P.C.
P O Box 2108
Atlanta, GA 30301-2108
404-589-1832
404-589-1833 (facsimile)
dsp@sicay-perrow.com

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the following parties with a copy of the within Answer to Complaint by placing a copy of the same in the U.S. Mail with adequate first class postage affixed and addressed to:

Mary Ida Townson
Chapter 13 Trustee
Suite 2200
191 Peachtree Street
Atlanta, GA 30303

Charlene Mildred Baugh
10 Carriage Hill Drive
Cartersville, GA 30120

This 28th day of October, 2013.

/s/ David Sicay-Perrow
David Sicay-Perrow, GA Bar No. 645285